November 14, 2005

Groups Propose Alternative to E.P.A. Rules on Mercury

By MICHAEL JANOFSKY – New York Times

WASHINGTON, - Concerned that new federal standards on mercury emissions will not produce more immediate health benefits, two national groups of state and local air quality regulators have developed a plan to yield fewer emissions in less time.

The groups say at least 20 states have shown interest in the plan, which was conceived in response to complaints from environmentalists and some Democrats in Congress over federal rules to eliminate significant amounts of mercury from air and water.

Details of the plan are expected to be released Monday by the regulators' groups, the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials.
Coal-fired power plants in the United States emit about 48 tons of mercury a year, causing health risks that include developmental problems for fetuses and young children, largely through the consumption of fish. Currently, 45 states have fish advisories, warning their residents about mercury contamination in their waters.

In March, the Environmental Protection Agency announced the first federal rules to control mercury emissions from power plants. Until then, the plants had been exempt from federal standards for sources of toxic emissions. The rules require a 21 percent reduction in mercury emissions within five years - a level that would not require new controls - and a reduction of 70 percent by 2018.

States are allowed to adopt their own emission reduction plans provided the plans exceed federal standards. The regulators' plan is designed to achieve reductions of at least 80 percent by 2008.

"Almost everybody agrees that the federal mercury control program is severely flawed," said Bill Becker, executive director of the two groups. "This is a very powerful tool, even if states don't adopt it in

toto. It's a technologically feasible and cost effective alternative to the E.P.A. plan."

The regulators' concerns echo those raised by environmental groups and Democrats after the E.P.A. rules were adopted.

But the plan drew criticism from industry groups that have defended the E.P.A. rule, saying the costs for mercury controls would be passed on to consumers at a time when energy bills have risen with record prices for oil and natural gas.
Industry groups also say that control devices for mercury are not sufficient to produce the reductions promised by the regulators' plan and would result in a switch from coal to natural gas, which is cleaner but more costly.

One industry official, Scott Segal, said the current E.P.A. standard struck a balance between controlling emissions and controlling costs.

"If you play with that balance," said Mr. Segal, director of the Electric Reliability Coordinating Council, "you're not going to get a lot more environmental bang for your buck, and you'll create severe consequences for people on fixed incomes."
Industry officials say that controls for other pollutants, like sulfur dioxide and nitrogen oxide, also reduce mercury emissions, which eases the need to install devices designed solely for mercury.

But the regulators contend that the cost issue is a scare tactic. They say the industry is unwilling to pay for plant upgrades for mercury after spending $150 million or more to meet federal standards for other pollutants.

David Foerter, executive director of the Institute of Clean Air Companies, a trade group representing the makers of pollution control devices, said mercury controls cost far less than those for other pollutants, about $1 million to install and about $2 million a year to maintain.

Mr. Becker, of the regulators' groups, said the alternative plan also rejected a crucial component of the new E.P.A. rules, a provision that

allowed states that were below their mercury limits to sell credits to states that were over their limits.
"That only exacerbates existing problems and contributes to new hot spots," Mr. Becker said.

The plan being released Monday proposes two options. In one, power plants would be required to reduce mercury emissions by 80 percent by 2008 and by 90 percent to 95 percent by 2012.

The second option would require plants to achieve up to 95 percent reductions by 2008, but the plants could get four more years to comply by reducing the levels of other pollutants.

"What we've done," Mr. Becker said, "is help states find a middle ground that achieves more aggressive emission reductions, and there seems to be a lot of interest."